IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Tr.P(C).No. 250 of 2007()

OP.153/2007 of FAMILY COURT, THIRUVALLA
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PETITIONER :

SAMKUTTY JOSEPH, AGED 46 YEARS,
S/O. SAMUEL JOSEPH,
KOCHUPURAYIL, PERUMBETTIKARA,
PERUMBETTI VILLAGE, PATHANAMTHITTA.

BY ADV. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU

RESPONDENT:

A.P.MARY, AGED 42 YEARS, D/O. POULOSE,
AMBADAN HOUSE, THAVALAPARA,
MANJAPARA, ALUVA.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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Tr.P.(C) No.250 OF 2007

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Dated this the 15th day of November 2007

JUDGMENT

This transfer petition is filed to transfer O.P.No.153 of 2007 pending before the Family Court, Tiruvalla to the Family Court, Ernakulam for trial and disposal. The petition filed by the husband for divorce as O.P.No.711 of 2007 is pending before the Family Court, Ernakulam. The wife has also filed M.C.No.128 of 1994 which had ended in ex parte order of maintenance. Meanwhile the wife has filed O.P.No.153 of 2007 before the Family Court, Tiruvalla for realisation of money alleged to be due to her.

The request is that the wife is residing in Ernakulam District and the other matters are also pending before the Family Court, Ernakulam and therefore it is only just that the case pending before the Family Court, Tiruvalla is also transferred to the Family Court, Ernakulam If these contentions are true, certainly it is desirable that the case is tried by the very same court where the divorce case is pending.

Therefore, I allow the transfer petition and direct the Family Court, Tiruvalla to transfer O.P.No.153/2007 to the Family Court, Ernakulam.

Since I am disposing of the matter at the admission stage itself, I also direct the Family Court, Tiruvalla to give notice to the counsel for the petitioner intimating the transfer.

M.N.KRISHNAN, JUDGE

Cdp/-